

"Sharadashram" Series No. 3.

Village Local Self-Government IN British India

BY

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WITH A FOREWORD BY

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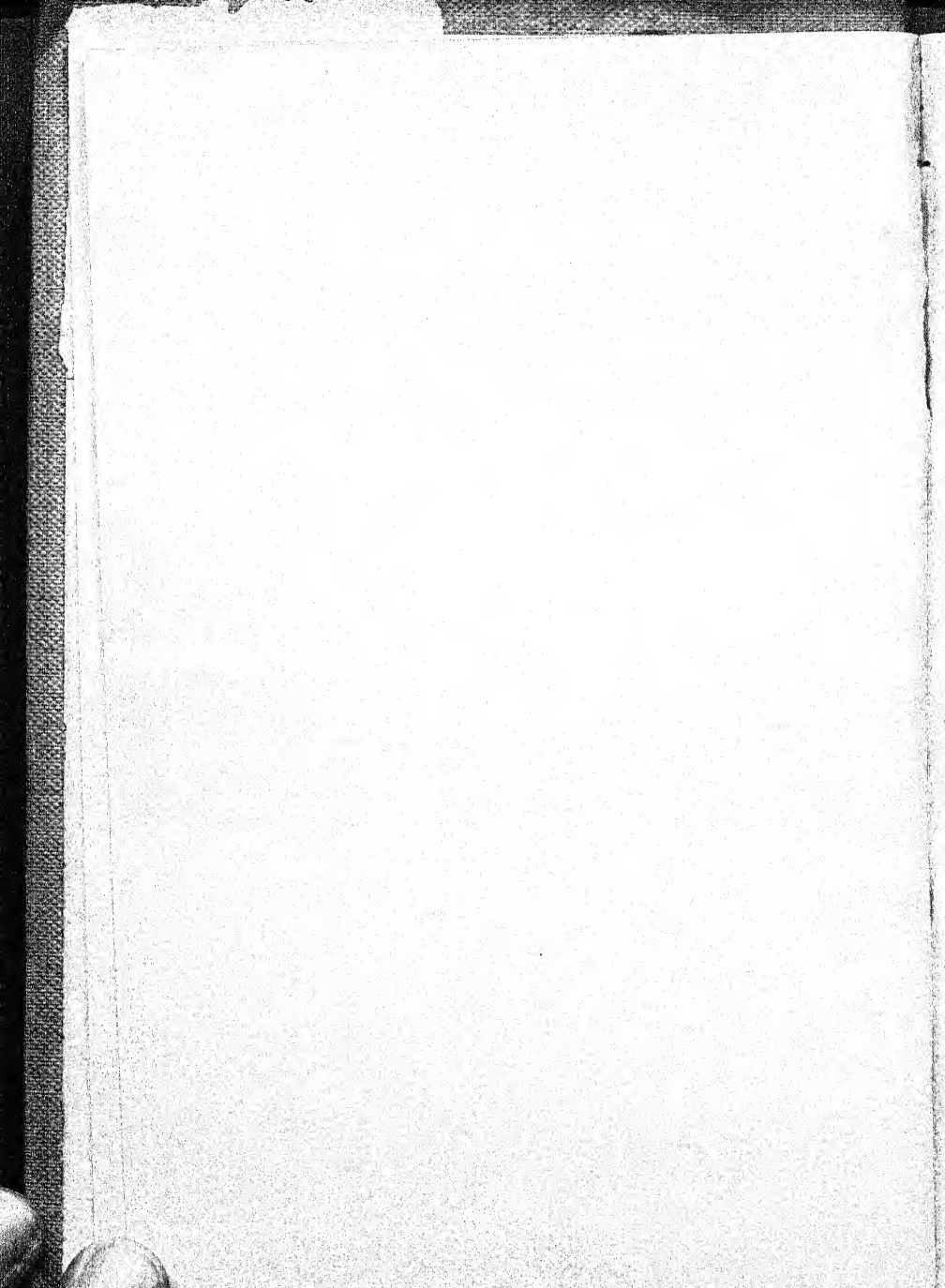
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WORKER, "SHARADASHRAM," YEOTMAL.

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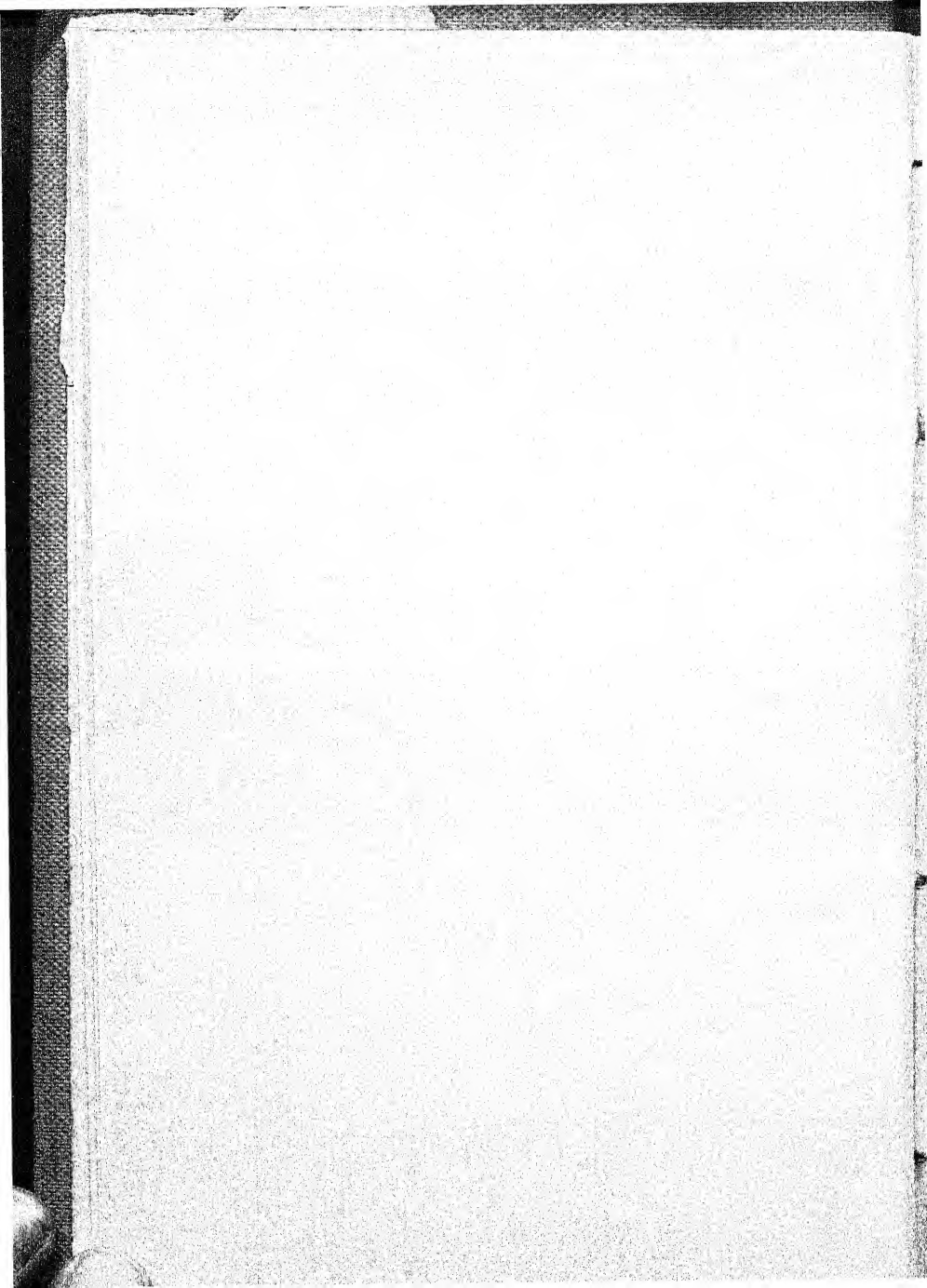
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PUBLISHER'S NOTE.

WORKERS in "Sharadashram," Yeotmal, have great pleasure in publishing this book, as third in number of the "Sharadashram" series. Village Self-Government is the basis for the attainment of Swaraj and, as such, Village Panchayats should be organised far and wide, to the best advantage. Mr. N. P. Hirurkar has given an impetus to the movement of Village Panchayat by writing such an able and scientific treatise on "Village Local Self-Government in British India." The "Sharadashram" will shortly bring the book within the easy reach of those, for the uplift of whom, it is intended, by publishing its vernacular translation.

"SHARADASHRAM,"	}	Y. K. DESHPANDE,	
YEOTMAL :			
<i>Dated, 10th May, 1929.</i>			<i>Worker.</i>



PREFACE.

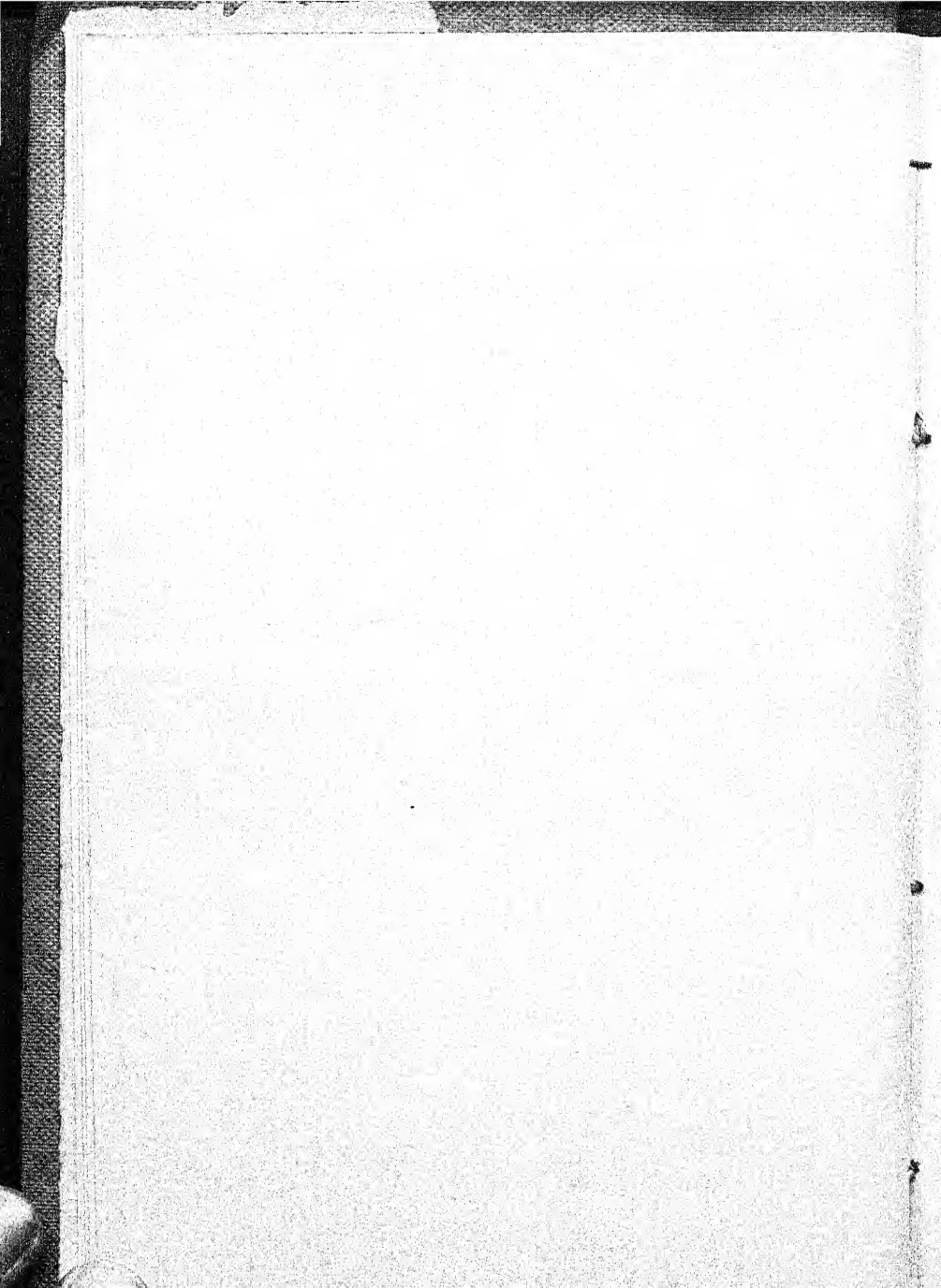
WITH the foreword of Mr. M. R. Jayakar; M.L.A., Bombay, this booklet hardly needs the author's preface. Yet, in fairness to the reading public, I think it my duty to inform them that the book before them, is the outcome of an attempt at the general competition, advertised on the subject by the Indian Chamber of Commerce, Calcutta. The appreciative observations, of the Committee of the Chamber, printed elsewhere, worked as an irrepressible inducement to the enterprise of this publication. I hope that the reading public will receive it as my humble contribution to the solution of the problem of rural uplift, which has lately been engaging the serious attention of eminent workers in different walks of life. I also hope that I would be permitted to consider this as another justification for the present venture.

I take this opportunity of acknowledging the deep debt of gratitude, I owe Mr. M. R. Jayakar, for the foreward he wrote, in spite of frequent tolls upon his time. I am glad that the "Sharadashram," Yeotmal, adopted this booklet as one of their publications.

AMRAOTI :

Dated, 17th May, 1929.

N. P. HIRURKAR.



FOREWORD.

AT the desire of the author, I have agreed to write a short foreword to his work on 'Village Local Self-Government in British India.' In doing so, I congratulate him on the care and industry he has bestowed on his publication. The subject is of perennial interest not only to the student of present day politics but to all those who desire to see that the foundations of Self-Government in India, are well and truly laid.

Mr. Hirurkar has, in the short compass of his publication, traced the history of Village Local Self-Government in British India and shown its intimate connection with the working of present day Reforms. He has dived deep into official and non-official publications, tracing the growth of Village Self-Government in modern times, to the announcement of the Imperial Government in the House of Commons in 1917. A free and interesting discussion is to be found in Part "A," as to how the Panchayat movement could not make any progress during the pre-reform days, owing to the hostile attitude of the Government and their officials and the habitual apathy of the Indian villager. The author then proceeds to show how the impetus given to the Panchayat movement by the 'Reforms' was impeded by the storm of

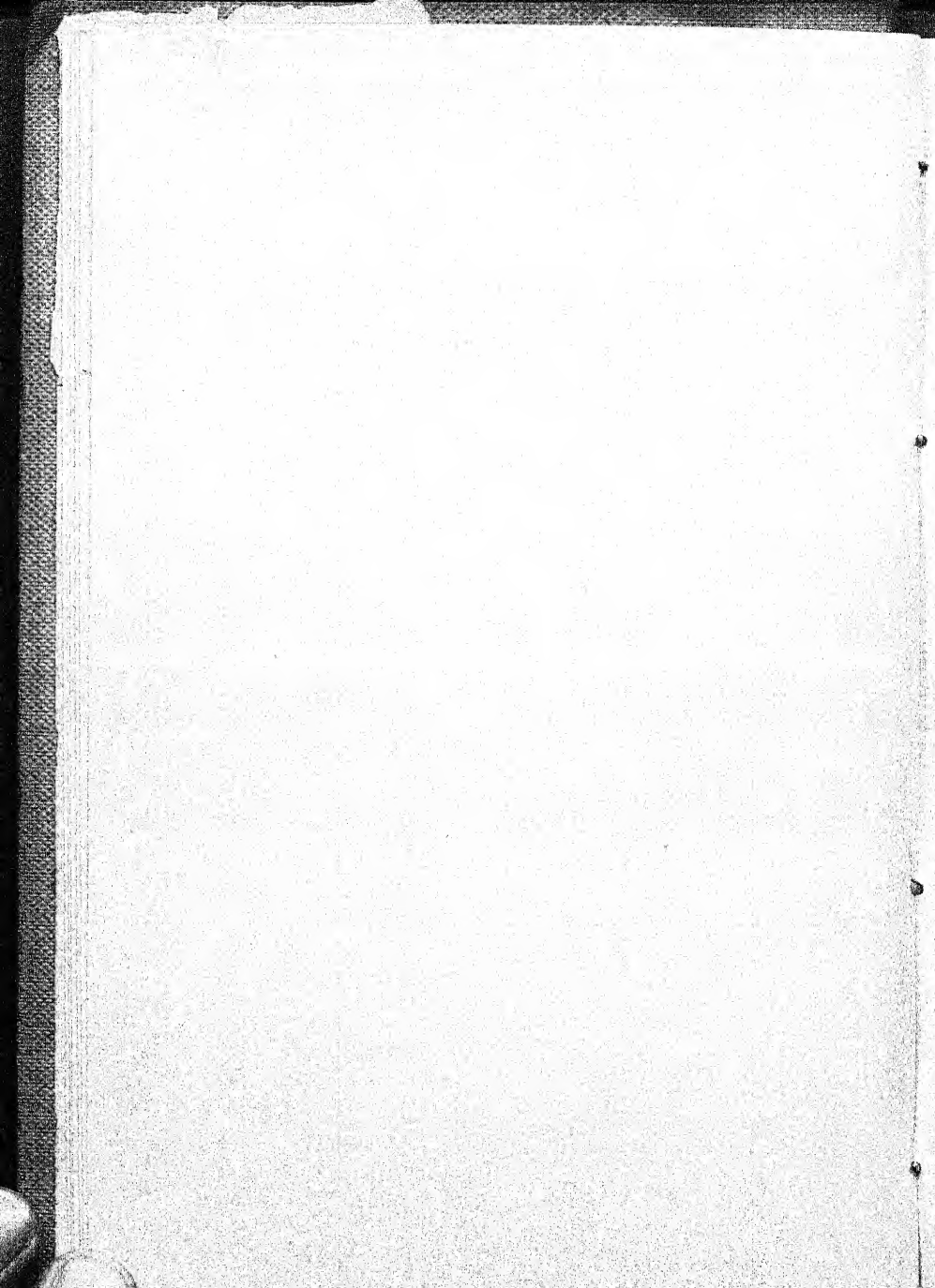
the political controversies which arose between the Government and the people, during the days of Swarajist supremacy. The author is of opinion, based on a brief but critical survey of political events in India, and especially those in his own Province, that, with the advent of the school of political thought known as 'Responsive Co-operation,' a stage was reached when official and non-official workers, as also the public, came to realise that the Panchayat movement was the real beginning of Self-Government and formed the only true and solid foundation of the superstructure of Indian Swaraj. Part "B" contains very interesting proposals of a constructive character, indicating how the twin methods of legislation and propaganda can be utilized so as to make the village Panchayat movement subserve more and more the larger purposes of Swaraj in this country. It is not possible in this short Foreword to deal with the merits of the valuable suggestions the Author has made, but I have no doubt that a large number of them will be found useful as the basis of a constructive effort and will, sooner or later, be put into the framework of statutes.

The author is justly proud of the work done in this connection, in his Province, by pioneer workers like Dr. N. S. Paranjpe, whose sole effort has been to spread truer and saner views about the Panchayat movement. I do hope, that even

in these days when the general belief in constructive political effort is weak, the book will be found useful by those who desire to spend an hour or two on the perusal of a well-written treatise. I wish the author every success.

WESTERN HOSTEL, }
NEW DELHI : }
18th March, 1929. }

M. R. JAYAKAR.



BIBLIOGRAPHY.

Reference.	Abbreviations.
(1) Report of the Royal Commission upon Decentralization in India, Volume I, 1909	D. C. Rpt.
(2) Report of the Village Panchayat Committee in Central Provinces, 1926	C. P. Rpt. 1926.
(3) Resolution of Government of India, laying down Local Self-Government Policy, 1918 ..	Rsln. 1918.
(4) Report of Mr. K. S. Jatar, Officer on special duty in Central Provinces, 1918	C. P. Rpt. 1918.
(5) A History of village Communities in Western India, Altekar, 1927	Altkr.
(6) Report on Indian Constitutional Reforms, 1918 (Mont-Ford) ..	M. F. Rpt.
(7) India in 1924-25, Rushbrook Williams, 1925	India 1924-25
(8) United Provinces Village Panchayat Act, 1920	U. P. Act.
(9) Rules under United Provinces Village Panchayat Act ..	U. P. Rls.
(10) The Bombay Village Panchayat Act, 1920	Bom. Act.
(11) The Local Self-Government Resolutions, Bombay ..	Bom. Rpt.

Reference.	Abbreviations.
(12) Local Self-Government Resolutions, Bihar and Orissa ..	B. & O. Rpt.
(13) India in 1925-26, by J. Coatman. 1926	India 1925-26.
(14) Times of India, Bombay, First week, April 1928 ..	Times.
(15) Udaya, Amraoti, 22-4-1928 ..	"Udaya."
(16) Note on village organization by Mr. P. C. Dutta, Minister, Assam, 1924	Note V. O. 24.
(17) Madras Village Courts Act, 1920	Mad. Act.
(18) Rules under Madras Village Panchayat Act	Mad. Rls.
(19) Central Provinces, Village Panchayat Act, 1920	C. P. Act.
(20) Rules under Central Provinces Village Panchayat Act	C. P. Rls.
(21) Report of the Royal Commission on Agriculture in India, 1928..	Rpt. Agri.
(22) Report of the Berar Co-operative Institute, Amraoti, dated 22nd July 1928.. ..	<u>Rpt. B. C. I.</u> <u>22-7-1928.</u>

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VILLAGE LOCAL SELF-GOVERNMENT

IN

BRITISH INDIA.

Part A.—Historical Retrospect.

Introductory.

1. The title of the subject confines the discussion to a workable system of Village Panchayats, in territories subject to the British Rule. Though the history of the working of these bodies, under the Peshwa Rule, in the past, or experiences of them, in territories, under Indian Princes, fall outside the scope of the subject, yet their utility in formulating practicable suggestions, can hardly be exaggerated. For the proper grasp of the discussion that would follow, it has to be mentioned, that the system of administering justice through a body of "village elders" or a Village Panchayat, as we call it now, has an ancient existence. The decision of the five elderly persons of a village, used to carry with it, as much sanctity and sanction, as is attached, in modern times, by legal fiction, to the awards of the courts of justice. The consciousness that village elders, sitting in judgment over cases of local occurrence, had full knowledge of the facts bearing on the subject matter in evidence, considerably influenced the witnesses on either side. Consequently, there was

generally no fear of any evidence being kept back, fabricated or over-stated. Miscarriage of justice was never suspected and the decision of a Panchayat was generally respected. Failure to submit to the award of the village elders, carried with it good deal of odium which used to lower down the delinquent or the judgment-debtor, in the estimation of persons, amongst whom he had to live every moment of his life. In matters of maintaining "local order," the villagers, as a whole, enjoyed a sort of local autonomy.* The principal village functionaries,—headman, accountant, watchman,—now paid and utilized by the British Government, trace their existence to a period anterior to the British Rule.

Causes of disappearance of old Panchayats

2. Extension of jurisdiction of civil and criminal courts in larger towns, even to petty causes deprived the old village organisations, of the sanctity and sanction attached to their decisions. Consequently, these village elders gradually lost their influence with villagers. The increase in the means of communication with town areas, brought justice at British Indian Courts, within an easy reach of every rural litigant. The services of village functionaries in their administrative department, as already pointed out, were utilized by the Government. The growth of individualism*

* D. C. Rpt. para. 696.

many a time inspired the villagers to disregard local tribunals and to prefer a resort to the agencies in Towns, to submission to local verdicts. To add to this, the best persons in villages took a fancy for city-life and ablest persons thus migrated to big towns.* The judicial machinery of villages, thus died a natural death, while the administrative one, though continuing as of old, was transferred from the control of village elders to that of the agency of the State, working the villages through big towns.

Short history up to 1918, A.D.

3. In some of the villages these organisations survived all adverse circumstances and offered an interesting study.

The importance of these bodies, was noted by Lord Morley, the Secretary of State for India in Council in the year 1908, and in his Reform despatch, he desired the Government of India, to consider the best way of carrying out a policy that would make a village, the starting point of public life in India.†

4. While investigating into the question of administrative decentralization, the report of the Royal Commission of the year 1909, pertinently noted, that in ignoring a village, the primary unit, at the time of giving powers of local Government, through Municipalities and Local Boards, the

* Altkr. page 32.

† C. P. Rpt. 1926, page 20.

Government made a beginning with a false step. "The scanty success of the efforts, hitherto made, to introduce a system of rural Self-Government" the Report states, "is largely due to the fact that we have not built up from the bottom." *

5. The recommendations of the Decentralization Commission, on the subject, mainly aimed at the development of corporate life, amongst the villagers, at creating in them an interest in local village affairs and at transferring to them some control over the same. The Commissioners remarked that the artificial "agglomerations," such as Local Fund Unions in Madras, Choukdari Unions in Bengal, Sanitary Committees in the United Provinces, Bombay Presidency, and Central Provinces, though useful adjuncts to the Municipal and Local Board machinery of Local Self-Government, as working in limited rural areas, were, quite unconnected with the development of individual village corporate life. † They however, sounded a note of warning, in the following terms:—

"While, therefore, we desire the development of a Panchayat system and consider that the objections urged thereto are far from insurmountable, we recognise that such a system, can only be gradually and tentatively applied. We think, that a commencement should be made by giving

* D. C. Rpt. para. 699.

† Resln. 1918, para. 20.

certain limited powers to the Panchayats in those villages, in which, circumstances are most favourable, by reason of homogeneity, natural intelligence and freedom from internal feuds. These powers might be increased gradually as results warrant.”*

6. Following these recommendations, Local Governments and Administrations were asked to formulate their respective proposals to give effect there to.† The general opinion of different Local Governments was virtually in terms of the one of the Central Provinces Administration, to the effect, that there was no popular demand for regularly constituted Village Panchayats, and that such tribunals, if entrusted with judicial powers, would not command the confidence of the people.

7. Despite such apathetic reports of many of the Provincial Administrations, still, equipped with the experiences of the working of such bodies, as were holding out against odds, the Government of India, in the year 1915, published a Resolution and issued all over Provinces “definite instructions to give full trial to a practical scheme of Village Panchayats, wherever it could be worked out in co-operation with the people,”† The Government of India, in the same Resolution,

* D. C. Rpt. para. 701.

† C. P. Rpt. 1918, p. 1.

chalked out their lines, on which, they thought, the experiment proposed to be attempted in select villages or groups of villages, would have most chances of success.

8. The policy declared by the Government of India in their Resolution of 1915 referred to above, coupled with the favourable experiences of the working of Village Panchayats in the Madras Presidency and in the Indian States of Baroda, Patiala, Mysore and Dewas II, arrested the attention of some of the Provinces, with the result, that a bill for the formation of Village Panchayats was soon introduced in Assam. A committee consisting of two officers Mr. E. A. Phelps, I.C.S., and Mr. Mahamad Massanna, Deputy Collector was formed in the United Provinces for reporting on the subject.* In the meantime, general conditions in India, during the early days of the German War led to the famous announcement of the year 1917, by the Imperial Government in the House of Commons, of its decision to establish self-governing institutions, in India, with a view to enable her to attain "the progressive realization of Responsible Government."† It was only during the general discussion that ensued, that a satisfactory impetus was given to the question of reviving these Panchayat bodies,—as would be obvious from the remarks in paragraph

* C. P. Rpt. 1918, p. 3.

† C. P. Rpt. 1926, p. 21.

196 of the Montagu-Chelmsford Report on Indian Constitutional Reforms, dated 22nd April 1918. The Government of India did not lag behind. A few weeks later, in May 1918, in declaring its Local Self-Government Policy it affirmed the idea quoted above from the "Mont-Ford" Report, and said that it was essential that an effective beginning should be made, when possible, with a view to call these Panchayats into existence.*

After the year 1918.

(a) The attitude and Activities of the Executive and Legislative Government.

9. The actions of the Executive Government gave rise to debates in the legislative chambers, and the conclusions of the latter brought, many a time, some pressure on the former. The attitude and activities, therefore, of the Executive and the Legislative Government have to be discussed together, for the sake of convenience.

10. The administrative functions of the village Government, had, before 1918, been carried out, by Bodies, formed under the Rural Boards Acts of different Provinces. These bodies mainly concerned themselves, with village sanitation. They were styled, as Local Fund Unions in Madras Presidency, as *Mels* in Assam, as Union Committees in Bihar and Orissa, and as Sanitary Committees in United and Central Provinces.† Similarly,

* M. F.Rpt. para. 196.

† D. C. Rpt. paras. 697, 698.

petty judicial functions civil and criminal, were discharged by village headmen or patels, in Madras and Bombay Presidencies and in Burma, and, petty civil powers were exercised by Village Munsiffs, in the United Provinces. The rural Bodies, under whom these administrative village organisations were running, were, at first, controlled by official element, and, under the influence of that element, they could not make any progress towards becoming really Self-Governing. The reason appears to be—to quote Mr. Sukla a member of the C. P. Legislative Council,—that, the officers were not willing to lose their hold on the villagers*. After the introduction of the Reforms of 1919, the Department of Local Self-Government was transferred to the Ministers responsible to Legislatures, and the bureaucratic control, over the rural Boards and consequently, over the aforesaid administrative village organisations was removed. Thenceforth, every Local Government zealously attempted to foster local institutions. The revival of Village Panchayats or Committee of Elders was one of the experiments, in that direction. Though, before the introduction of Reforms some attempts had been made, in several Provinces, yet these attempts were considerably re-inforced only later on, † when, the popular voice began on the one hand,

* C. P. Rpt. 1926, p. 21.

† India 24-25, p. 73.

to severely criticise the officials over their past attitude and on the other, to introduce constructive proposals. In the Madras Presidency, legislations for the establishment of Village Panchayats with powers to exercise judicial and administrative functions were taken up; in the United Provinces, a bill for constitution of Panchayats was framed in pursuance of the recommendations of the Committee stated above, with Messrs. Phelps and Mahamad Massanna at its head, and in the Central Provinces, in response to a resolution passed by the Provincial Legislature, in November 1917, Mr. K. S. Jatar, (now C.I.E.,) was appointed special officer to investigate the subject. *

11. The first legislation on the subject after the Resolution of 1918, was the Bengal Village Self-Government Act of 1919. The enactments of other provinces were then, only in embryo. In the Central Provinces, the bill that followed the report of Mr. Jatar, aimed at subjecting the Panchas to official control and hence in 1919, when it was introduced in the Council, it received a united opposition from its non-official members.* The year 1919 was, thus, marked with no substantial advance of the subject.

12. The agitation during 1920 to 1923 against the Indian Constitution has had some effect on the subject of Panchayats. Inspite of the Non-co-

* C. P. Rpt. 1918, p. 1.

operation movement, propagating in the main, boycott of Councils, Legislative Chambers were full and those that went in, against the mass mentality had to think out some measures, that would justify their existence in the then despised Halls. Peculiarly enough, the Legislations relating to Village Panchayats were taken up by Provincial Councils, one after another. In the year 1920, enactments were passed by the Bombay, Madras, United and Central Provinces Legislative Councils. The establishment of Panchayats was, in the United Provinces, left to the discretion of the Collector. * In the Bombay Presidency though the principle was more liberally looked upon, the fixing of an area, within which a Panchayat was to be established, was left to the discretion of the Commissioner.† Yet nearly 25 Panchayats were formed, and a small beginning was made in that year. ‡

13. In the year that followed, though a few additions were made to the existing Panchayats the attitude that Government showed was clearly discouraging. "There will be little relief to the Local Boards and little advancement of Local Self-Government until the Panchayats impose and accept taxation willingly".§ This advice suggested to the people by the Bombay Govern-

* U. P. Act. S. 4.

† Bom. Act, S. 3.

‡ Bom. Rpt. 1920-21, para. 4.

§ Bom. Rpt. 1921-22.

ment, it need not be expressed, was the seed which was to ruin these institutions. In C. P. however, the Minister for Local Self-Government Department, Rao Bahadur N. K. Kelkar laid down the principle that Panchayats could be satisfactorily established by non-official agency. In Bihar and Orissa, the Union Committees were intended to be supplanted by Union Boards. The village Administration Bill, drafted in 1920, was introduced in the Legislative Council in 1921, but it did not pass into Law till the year, following. In the meantime, proposals of local officers for the creation of Union Boards and Panchayats were called.*

14. The year 1922, was marked by the passage of the Bihar and Orissa Village Administration Act, through the Bihar and Orissa Legislative Council†. Though here, the creation of Panchayats or the Union Boards was delayed in the beginning, yet the subject did receive due attention in the latter part of the year.† In the Bombay Presidency, the Executive Government contented themselves by playing the role of an indifferent adviser to Local Boards, impressing on them, that they would have to carry on extensive propaganda, if they expected to have Panchayats established, with any hope of success. The Dis-

* B. O. Rpt. 1922-23. † B. O. Rpt. 1923-24, para. 17,

trict Local Board Authorities, however, inspite of the apathy and somewhere antipathy of the people in the rural areas, made vigorous efforts to popularise the idea. Panchayats were formed in the Districts of Ahmednagar, Satara, East Khandesh, West Khandesh, Nasik, Poona, Sholapur and on a moderate scale, in that of Ahmedabad. Of these, the efforts of the District Local Boards of Nagar and Satara deserve special mention.* The progress of the system was on sounder lines in the Madras Presidency, owing obviously to the fact of its long existence, there.

15. The number of village Panchayats rose from 5,500 to 6,000 in the United Provinces, in the year 1923; but their working was unequal. There were many which never functioned, some, which according to the opinion of the Government, would never function and others which lapsed from vigorous energy to a state of inanition†. Though they served a useful purpose in the life of the province, in regard to the public health responsibility, the Panchayats did very little.‡ In the Central Provinces,§ the District Officers and Assistants—especially from Berar, were not in sympathy with the idea of establishing Village Panchayats. The proposals put forward to this end, were regarded by them with suspicion. They were

* Bom. Rpt. 1922-23, para. 32. † Ibid. P. 74.

† India 1924-25, p. 73.

§ C. P. Rpt. 1926, para. 1.

inclined to place needless obstruction, in the way of non-official efforts and in particular, they prejudiced the villagers by giving undue prominence to the notion that introduction of Panchayats leads to increased local taxation. Bihar and Orissa Village Administration Act conferred on the Union Board, larger powers and responsibilities, than those enjoyed by the Union Committees created under the Local Self-Government Act.* Though, many judical Panchayats were constituted, and though, replacement of all Union Committees by Union Boards was in contemplation, yet as in the Central Provinces, prominence was given to the fear of local taxation,—an evil which generally thwarted the thriving of the system.* It was probably, this evil, that gave a set-back to the progress of Panchayats in the Bombay Presidency where, though a small addition was made to the Panchayats in the West Khandesh, the number was reduced in the Districts of Sholapur and Poona, Satara keeping *status quo*.†

16. After the passing of Bihar and Orissa Village Administration Act of 1922, there was virtually a lull in the activities of the legislative body. The reason is to be sought somewhere else. The Swarajist movement that followed Non-co-operation, was mainly carried on with a view to

* B. O. Rpt. 1924-25, para. 4. † Bom. Rpt. 1923-24.

paralyse the Government. Popular representatives in Legislative Councils were pledged not to move or help the passing of any measure, whether it was or was not for the benefit, of the people. Engrossed with the immediate problem of working the dyarchy, the executive Government were apathetic to the subject, though a few of the officials, in quarters, where Panchayats were working, did not fail to make attempts to make them unpopular.

17. The year 1924, was marked with the supremacy of the Swarajist movement. The Panchayats that already existed, were, however, working in their own way. It might be mentioned to the credit of Mr. P. C. Dutta, Minister of Local Self-Government of Assam, that he gave his serious attention to the subject and by the end of the year wrote out an elaborate note discussing the subject from all points of view.

18. The agitation carried on by the members of the Central Provinces Legislative Council, and especially those from Berar, within the Swaraj party, led to the relaxation of continuous and consistent obstruction,—members being permitted to discriminate the budget etc. Thus we find, that in the Central Provinces Legislative Council, in March 1925, a resolution for debate was moved by Mr. Y. M. Kale, a rural representative from Berar, recommending the Central Provinces Government,

to issue instructions to all Deputy Commissioners, that they should take active steps to encourage the establishment of village Panchayats, and that, they should render all help to non-officials, working in that direction*. The lull in the Panchayat world before the year 1925, was only indicative of the storm, at any rate, in the Central Provinces, and we find volume of agitation in the following year. The policy underlying the resolution of Mr. Kale was however resented by the conference of Commissioners held at Pachamarhi in June 1925, as, it was argued, it placed the responsibility for initiation, in this connection, upon the District Officer, and as it was, in effect, a definite reversal of the previously accepted policy of Rao Bahadur N. K. Kelkar, that had charged the non-official agency with the same. In September, 1925, a committee was appointed with Mr. Jatar, the former special officer, as its President, to enquire into the complaint voiced from Berar † against the working of the Central Provinces Village Panchayat Act, of 1920.

19. In Bihar and Orissa the enthusiasm which carried the Village Administration Legislation waned in the year 1925; and opposition came even from the District Board, because the latter had to finance the activities of the Union Boards during

* C. P. Rpt. 1926, p. 1. † Ibid p. 5.

the first two years of their existence.* The attitude of the United Provinces Government was not encouraging as it was specifically remarked that the Panchayat movement was successful, perhaps, in their exercise of minor sanitary powers, and that it could be better served by weeding out bad Panchayats rather than by opening new ones, promiscuously.† The legislative activities in this direction, in the year 1925, were nowhere remarkable.

20. The report of the Central Provinces Village Panchayat Committee of 1925 was ready in the year that followed. The most important of the recommendations made by this Committee to popularise Panchayats and the one that was adopted by the Central Provinces Government was, the appointment of a Provincial Panchayat Officer, to study the subject and to give expert advice to official and non-official workers.‡

21. Under the guidance of Rao Bahadur Samarth, the renowned Panchayat expert of Dewas States II, as Village Panchayat Officer in the Central Provinces, there has been a steady progress of Panchayats,—improvement of those that were functioning and creation of many in different quarters of the Central Provinces and more so of

* B. and O. Rpt. 1925-26. † India 1925-26, p. 186.

‡ C. P. Rpt. 1926, p. 11.

Berar. The opening of a regular Panchayat Class at Akola in July 1928, wherein lectures of enthusiastic workers in the movement were arranged is a remarkable indication of the sincerity of the Panchayat Officer and stands in bold relief against the unsympathetic attitude of the alien executive Government. Large attendance at these lectures is a sure sign of the satisfactory response from the public to the enthusiastic efforts of the Central Provinces Panchayat Officer. The impetus the movement got at the hands of this officer who is all along getting the active support and encouragement from the Hon'ble Mr. R. M. Deshmukh, Minister of Local Self-Government of the Central Provinces and the success with which efforts of both are being crowned, brought about a favourable change in the angle of vision of the executive Government, and many of the officers of the State, especially in Berar, have begun to offer their ungrudging help wherever it is demanded.

(b) The attitude and Activities of the Press and Platform.

22. The Resolution of the Government of India of the year 1918, declaring the policy of Local Self-Government, came before the public, at a time, when recommendations of the Montagu-Chelmsford Report on Indian Constitution had created a world of sensation in the political atmosphere. The Press and Platform devoted all their

energy to the criticism of these recommendations. The year that followed, found the passing of the Government of India Act and, naturally, the attention of these two agencies for ventilation of popular views, was practically monopolised by the constitutional agitation in India as a whole. Newspapers and political workers on public platform had concentrated their whole energy on thrashing the husk of the Mont-Ford scheme. To add to it, the political atmosphere became surcharged with the talk of non-co-operation with the Government which came in for unqualified criticisms and condemnation, on account of the Punjab disorders—the Hunter Committee's Report and the action of the Government on that report. Hence, we find that the subject did not receive any attention except from a few persons like Mr. N. S. Paranpe, who had been carrying to their heart its primary importance on account of their conviction, that Village Panchayat alone was the foundation over which the edifice of Local Self-Government could stand with security and permanence.

23. After the obstructive tactics of the Swarajist party got a reverse, in the year 1925, by the acceptance of office by (now Hon'ble) Mr. Tambe, in the Central Provinces, the press and platform devoted themselves either to uphold or to condemn the activities of the new political party with Responsive Co-operation as its creed. Through

all vicissitudes, Mr. Paranjpe had not given up hope of impressing upon the public the justice—public utility of his cause and with sanguine devotion, thought of carrying on an All-India propaganda, to create a demand for Village Panchayats.

24. Though a few Local Self-Government Conferences had been held and the subject of Village Panchayats discussed amongst various other subjects, the Maharashtra Village Panchayat Conference held at Satara, in the year 1925, was the first of its kind that paid its undivided attention to the working of the Panchayats and suggested recommendations, about the amending of the Bombay Village Panchayat Act 1920. Mr. N. S. Paranjpe, who made Panchayat movement his life work, carried on an intensive propaganda, in Assam, after the Gauhati Congress of 1926, and thereafter, in the Bengal, practically single-handed but with satisfactory response.

25. The Daryapur Taluk Village Panchayat Sangha that came into existence in 1925, after a few years experience of the working of the Village Panchayats, held the first Berar Village Panchayat Conference in the year 1927, under the Presidentship of Mr. M. S. Aney, M. L. A. A Village Panchayat Board was established for Berar. A good deal of awakening was marked in that year and newspapers began to lend their columns freely to the subject.

26. The first Andhra Desh Village Panchayat Conference was also held in the first week of April 1928, under the Presidentship of the Hon'ble Mr. Ramdas Pentalu. The President correctly pointed out that departmentalism, which had been sedulously developed to increase the efficiency of separate branches of Administration Acts, was a stumbling block in the path of progress of village Government. He, therefore, urged that the Act should be so amended as to secure a real measure of Autonomy to Panchayats and to free them from the unwilling patronage and irritating control of the Department, especially the Revenue Department.* In the next week, the second Berar Village Panchayat Conference was held at Kawthala (Berar) under the Presidentship of the devotee of Panchayats—Mr. N. S. Paranjpe. In his presidential address, he made reference to the apprehensive attitude shown to him by certain villagers. The apprehension, as he said, was based upon the wrong impression formed by them, viz. that the Panchayat movement was an agitation against Government and pointed out that the Patel, the Patwari, and the village kotwar, the local agents of the official machinery, were mainly responsible for creating that feeling. He also emphasised the need of establishing Panchayats all over the

* Times, April '28.

country as they served, for all times, the bedrocks of nation building institutions.*

(c) The attitude and activities of village people.

27. Being ignorant of what happens in the town and having often to look outside their environments to form their judgments about the means to their own welfare, the village people are, generally, drifted to an attitude which cannot be said to be their own, but is one moulded by influences, favourably or unfavourably working from outside. Innocent by nature, villagers are susceptible to any impression that might be made upon them by those who get the upper hand while coming in their contact. Absence of political education is the root cause of this characteristic impressionableness.

28. A fright over taxation is another impediment. As has been pointed out by Mr. P. C. Dutta, Minister to Assam Government, † the innate defects in the village life given below, ought to be studiously removed by every public worker, before he attempts to make his measure popular with them. These defects are :—

I. That they have not the necessary organisation which would create in them a sense of corporate life ;

* Udaya, April, 1928.

† Note V. O. 1924.

II. That they do not receive material advantage in return for the share of rates they pay, and

III. That they are uncertain and ignorant as to where their money goes.

These are mainly the reasons, why an ordinary villager abhors fresh taxation. On these weaknesses of villagers an executive officer, having no sympathy for the Panchayat movement could and did play and create a disdain amongst them for Panchayats by magnifying to them the evil of taxation or by painting to them the probabilities of creation of internal feuds.

29. The tendency of rural population towards the desirability or otherwise of the Panchayats, underwent changes according to the antipathy, apathy or sympathy, the officer or political worker, coming in touch with them, had at his heart for the cause. Local taxation was made an adjunct to the creation of Panchayats. This proved to be a red rag to the bull. The villagers, naturally, resented creation of bodies that entailed further drain on their purse. To avoid this, it was devised that in the first two years of the existence of Panchayats or Union Boards, the District Board should finance their activities and should permanently transfer to them certain sources of income. The opposition to the creation of these village organisations then came

from the District Boards. This was the experience of Bihar and Orissa in the year 1924-25 and 1925-26.* Bombay went a step forward, in as much as on the same count, applications were received there, for the cancellation of existing Panchayats, in the year 1922, two years after the passing of the Act.† Lack of funds and abhorrence of fresh taxation were seen to be the chief stumbling blocks to the movement. The evils were magnified and benefits stifled, in the first few years of the movement. Hence the rural population was not favourably inclined towards the creation of Panchayats.

30. But as soon as advantages of the movement were placed before them by enthusiastic and selfless workers and as soon as it was pointed out to them, that Panchayats were the training grounds for education of self-Government, the burden of political movement, we find an acute awakening. The success of Panchayats that had been functioning, was placed for judgment, before the villagers through the medium of conferences and demand was created, and—though as a measure of experiment—number of villagers rushed forward and volunteered their services and funds for the establishment of Panchayats in their respective areas. The ideal working of the Panchayats at Itki, under the able guidance of Mr. (now Rao Saheb)

* B. & O. Rpt. 24-25, 1925-26. † Bom. Rpt. 1922-23.

Uttamrao Patil, M.L.C. of Itki (Berar) has attracted the attention of number of villagers in Berar, and, after the two Panchayat Conferences, held in 1927 and 1928 the awakening was more than satisfactory.

31. The sincerity with which the Central Provinces Panchayat Officer is helping the villagers in the cause and the enthusiasm, which, he has created amongst them, by placing before them, his experiences of Dewas State II, have given a healthy tone and impetus to the movement in the Central Provinces and Berar. It is to be noted that the response, Rao Bahadur Samartha is getting to his attempts, is more satisfactory from Berar, than from the Central Provinces. The reason for this difference of attitude in these two adjoining provinces, is mainly due to the differences, in the land tenures. The system of Panchayat will have to make a cautious advance in territories where the Malguzari system of land tenure exists. The village organisations that have been functioning for years together are, it is satisfactory to note, now, in a position to suggest amendments to the Acts and Rules.

32. Thus the attitude of the people in rural areas depends and will always depend, mainly, upon the nature of working from areas outside. If efforts from outside are *bonafide* and healthy, these bodies are bound to thrive.

33. From the preceding discussion it would be manifest, how the Panchayat, movement did not and could not make any progress during the pre-reforms days owing to the hostile attitude of Government and Government Officials and the mentality of the villagers as well. We have also seen how the little impetus that was given after the reforms was practically drowned in the storm of political controversy between the Government and the people. And lastly, we have also noted from the survey of India in general and the detailed history of the Central Provinces and Berar, in particular, that with the advent of Responsive co-operation in Indian Politics, a stage has been reached, when we find the officials, the non-official workers, the public and the villagers have all come to realise that the Panchayats are the real beginnings of Self-Government and as such they must be built on sound basis. This realization and the consequent efforts in that direction, naturally, lead us on, to the discussion of a number of constructive proposals.

Part B.—Constructive Proposals.

Authority to establish, supervise and control Panchayats.

1. Before constructive proposals are put forth connection with the constitution of Panchayats, the question, with regard to the authority, that should control their establishment and continuance, assumes some importance. That Panchayats should be entrusted to the Registrars of Co-operative Societies, was a view put forth by many witnesses, before the Decentralization Commission.* That they should be subordinated to the District Authorities, was the recommendation made by the Commissioners.* If, however, a Panchayat is to be accepted as a training ground for educating people in Self-Government, then, it is highly desirable that their establishment and continuation should be made subject to the control of popular desire, duly assisted by official machinery. Leaving the formation of a Panchayat, absolutely to the discretion of the Collector, as in the United Provinces† or to the Commissioner as in the Bombay Presidency,‡ will not advance the cause. Entrusting the subject—a “transferred” one under the present system—to the Governor-in-Council as in Madras,§ though not an unwelcome idea, is rather inconvenient. The aims of Pan-

* D. C. Rpt. para. 702.

† U. P. Act, S. 4.

‡ Bom. Act, S. 3.

§ Mad. Act, S. 6.

chayats will be easily attained if these bodies are created and continued with full co-operation of the official and unofficial agencies. The primary responsibility of establishing a Panchayat may be placed on the Collector; but he should have no discretion to refuse its creation when there is a *bona fide* demand for it by the people, evidenced either by a solicitation of a satisfactory number of residents of the area or by a resolution passed by the District Board on the motion of a representative of the circle concerned. On the same principle, the supervision and supercession of Panchayats should be made subject to the control of these local bodies.

Unit of a Panchayat.

2. The unit of a Panchayat should be a village or group of villages, with a population ranging from 500 to 1,000, falling within the radius of two miles. Grouping of villages, totalling population above 1,000 would be unwieldy, or, of those situate at a distance of more than two miles, would be inconvenient. For their ordinary business of life, villagers have to go and do often go, without the least trouble and inconvenience, to the adjoining villages, two or three miles away. Attendance at Panchayats at places more than two miles away would, in course of time, be felt taxing.

Ineligibility of areas for having a Panchayat.

3. Notified areas or areas in which Municipalities have been established, it need not be told, are

to be excluded from the operation of Panchayat Acts. There are certain areas, where Union Committees or Sanitation Committees are already working. These Committees, in their own way, foster corporate life. Existence of such committees, should not by itself be regarded as a disqualification of the village for having a Panchayat. Panchayats at such villages will have to be introduced with caution. The best course would be to develop through such committees, where they exist, full corporate life, and sound administrative capacity and transform them gradually into Panchayats. The aim of the workers should always be to supplant these committees by village Panchayats.

4. Internecine feuds, factious parties, bitter feelings against neighbouring villages, likely to come under a group, sectional differences and religious quarrels, are elements that frighten the success of Panchayats—bodies that can only be worked in co-operation and harmony. Where there are sure signs of these elements, the propagators of Panchayat movement must cry halt. Such villages should always be regarded as ineligible to have Panchayats.

The scope of its business.

5. The scope of the business of Panchayats has given rise to a lively controversy, as to whether the Panchayats that are intended to be revived, should

be of the nature of those ancient "tribunals" that devoted most of their attention to settlement of local disputes, or of those modern ones as would look to the general administration within their territorial jurisdiction. In modern times, whether the exercise of judicial functions should have predominance over the conduct of administrative ones is a question that has been agitating many minds and has become a subject of interesting debate. A correct answer to this question would depend upon the accuracy of grasp of the ultimate ends of Panchayat movement. In the opinion of the Decentralization Commission, the most important of the possible functions to be assigned to Panchayats were village sanitation and village education and jurisdiction in petty civil and criminal cases.* This, in effect means that these bodies, in their administrative section, were only to serve as local agents to assist district Local Boards in the discharge of their duties, † and in their judicial department to serve as such, to official machinery and to play the part of mere Bench Magistrates. The preamble to the United Provinces Village Panchayat Act, 1920, repeats the same principle, and can hardly be said to incorporate the goal of a village Panchayat. The Bombay Village Panchayat Act takes a more liberal view of the aim of the institution. The object of village

* D. C. Rpt. para. 707, 708.

† C. P. Rpt. 1926, p. 21.

Panchayats, as the preamble reads, is that, the people in rural areas may be *encouraged to take an interest* in local Self-Government. This might lead us on a right path, and yet keeps us at a distance from our destination. "The real purpose and function of a village Panchayat is to awaken a new spirit amongst the inhabitants of rural areas and to give them elementary instruction in Local Self-Government. It is to show the villager, the operation of Local Self-Governing institutions, in miniature, so that, he may appreciate their working in the larger administrative field of District and Municipal Councils and Boards; and it is to educate him in the use of his electoral power, on a small scale, so that he may understand their use in the wider arena of District and Provincial politics."* The preamble to the Central Provinces Village Panchayat Act 1920, *viz.*, to establish village Panchayats to assist in the development of Local Self-Government in rural areas, and in the administration of civil and criminal justice, is the accurate expression of the aims and objects of the establishment of a village Panchayat. It is the revival of old bodies, that is needed with improvements suitable to the demands of the progressive time. Both administrative and judicial functions should, therefore, be allotted to a Panchayat, as soon as it is estab-

* C. P. Rpt. 1926, p. 4.

lished. With due regard to local conditions, it might be advisable to divide a Panchayat into two sub-committees. One of these should exercise administrative functions and the other judicial ones. To avoid onesided development of individuals, so classified, these sub-committees should interchange their departments by rotation, at the end of some specified periods, without any sacrifice of efficiency.

Its Strength.

6. The minimum number of members of Panchayat has been generally accepted to be five. The Bombay Act does not fix the maximum. The maximum number is fixed at seven in the United Provinces,† at 12, in the Madras Presidency§ and at 15, in the Central Provinces. ‡ For the due discharge of both the administrative and the judicial functions and making due allowance for irregular attendance at the beginning, seven members can form a fairly good Panchayat. If separation of judicial from administrative functions is found advisable, then, it would be expedient to form a Panchayat of ten members, a necessary number of them, being placed in charge of the "village order" and the rest in charge of "village justice."

The term of Panchas.

7. The term of members of a Panchayat is uniformly three years under various Provincial

† U. P. Act, S. 5. ‡ C. P. Act, S. 6.

§ Mad. Act, S. 9 (2).

enactments or Rules. In Bombay* and Madras,† it is fixed under enactments while in the United Provinces and in the Central Provinces its fixation is left to the Rules. This period of three years is not sufficient for a satisfactory training. The statutory term of office of the members of a Panchayat should, therefore, be five years.

Formation by election.

8. It has been already pointed out, that one of the aims of a Panchayat is to educate the villager on a small scale, to make a proper use of his electoral power. It need, therefore, hardly be said that the members of Panchayats should be elected and not appointed or nominated. The United Provinces Village Panchayat Act 1920, does not recognise the principle of formal election.‡ Appointment of Panchas by the Collector as in the said Act, after consulting the wishes of the villagers, though it might be said, to be an informal election, lacks in the element of real popular representation. The Bombay, Madras and Central Provinces Acts recognise the true elective principle of representation.

Communal representation and reservation of seats.

9. Once it is accepted that the Panchas should be the elected representatives of the villagers, a

* Bom. Act, S. 10. † Mad. Act, S. 9 (4).

‡ U. P. Rules. 6.

few observations on the perplexing questions, *viz.*, communal representation and reservation of seats, are inevitable at this stage. Some seats will have to be reserved not for securing any representation of any particular group or section, but for safeguarding against absolute ignorance and against the obstructive tendencies of the local official agency, if disgruntled. In the discussion, that would follow, it is not proposed to make illiteracy, a bar to membership, and hence, it will be found necessary, that the District Local Board should have power to nominate one or two sufficiently qualified Panchas, to the Panchayat, in an area, which fails to return any literate candidate. In the same way, for the due discharge of the duties of Panchayats, co-operation with the Patel and Patwari is highly desirable. If these officials, owing to extraneous considerations, which might arise out of the conscientious performance of their duties as such officials, fail to command the confidence of the electorate, they will have hardly any chance of success at the polls. Once disgruntled, they will, very likely, be a nuisance to the local Panchayat. The working Patel and the Patwari in the office, should, therefore, be made *ex officio* members of the body. They may, however be free to seek election, if they so like. Where a Panchayat is sub-divided into Judicial and administrative sub-committees, the Patwari should always sit on the former and the Patel on the latter,—their

respective qualifications, rendering this essential.

10. Communal representation has been generally accepted as a bane of any political unit. The principle is fraught with evils without any compensating benefit. Communalism breeds in man, indifference and contempt for the rest of the world, develops into sectional animosities, leads to factions and ultimately restricts the political outlook, of the individual. The dangers of communalism would be more serious in rural areas, than what they are, at present in larger towns. Communal representation on these bodies would, therefore, hamper the development of corporate life.

11. The principle of reservation of seats for minorities deserves to be dismissed on the same grounds. This does not mean, that in these proposals, there is any studious attempt to exclude the minorities, such as depressed classes, from participation in these local bodies. A member of the depressed class, if he is qualified and commands confidence of the residents of his area, can easily get into the body and take part in the village constitution. Even in his protest against absence of provision, in the Central Provinces Village Panchayat Act 1920, to secure adequate representation for depressed classes on Village Panchayats, Mr. Gawai, a member on the Central Provinces Village Panchayat Committee (1925) has admitted,

that out of 59 Panchayats existing in 1926, 15 Panchayats consisted representatives of depressed classes, without any seat being reserved for them.*

Representation of villages in a group.

12. When the unit of a Panchayat consists of group of villages, seats in proportion to its respective population should be allotted to each of these villages and the residents therein should elect as many members from amongst themselves. This would secure representation, to each of these villages and consequently, genuine co-operation, roused by the preservation of their continuous interest.

Franchise.

13. Every adult male resident of a village should have a right to elect members to the Panchayat, of his area. A list of voters once prepared should continue for the term the Panchayat. At least six months actual residence in the village during the year next preceding the preparation of lists, should be the primary qualification. As Panchayats are to exercise power over all the persons under their jurisdiction, irrespective of the latter's financial position and as we propose to concede to these bodies full democratic character, ownership or possession of property or even the derival of a particular amount of income should

* C. P. Rpt. 1926, p. 18.

not be made a condition precedent to the grant of franchise. Similarly, constructive residence through servants and dependents occupying a house, oft visited by the owner, should not be allowed to qualify him for eligibility to vote.

Qualification for candidature.

14. A candidate for membership of a Panchayat should possess higher qualifications. To secure maturity of thought, he should be above twenty-five years of age, as in the United Provinces* and the Madras † Presidency, mentally fit and free from any moral turpitude. The minimum age of 21 years fixed under the Central Provinces ‡ and Bombay § Village Panchayat Acts is insufficient for the due discharge of the duties of a Panch. At this stage, a difficulty might arise in respect of the village officials, who are the *ex officio* members of a Panchayat. On attaining majority, a Patel or a Patwari is given the charge of his office. Yet, we find, in sufficiently large number of cases, that these youngsters are not fit to discharge their duties and on occasions more than one, in the first few years, of their officiation, they get their work done, either through some elder relatives or some paid servants helping them at home. It is inconceivable that at that immature age, they would be able to shoulder the responsibilities of a

* U. P. Rls. 5 (c).

‡ C. P. Act, 7 (d).

† Mad. Rls. 4 (iii).

§ B. Act, 5-6.

Panchayat. This condition of age, even in respect of these *ex officio* members, will have to be rigidly observed. These working Patels or Patwaris may however be given the option to nominate any elderly person, duly qualified, preferably from their family, until they attain that age. A candidate for membership must be a permanent resident of the village, which he wants to represent. The property qualification should be essential. He must own a house and should be either a proprietor of land paying at least Rs. 10 as land assessment to Government or a tenant cultivating agricultural land of the letting value of Rs. 100 on an average per year. Candidature of moneyed men owning large estate, without any house of their own, in the village, should be deprecated. The candidate should be mentally sound and should be free from any moral turpitude evidenced by conviction by criminal courts speaking ill of his character, by adjudication by an insolvency court or by any orders of any department, which are derogatory to the integrity of the man. Illiteracy should not be an absolute bar to the candidature of any member. Experiences of Dewas II State show that many peasants, though they cannot read and write, are still possessed of sufficient experience and natural culture and may be trusted to discharge the functions of the

Village Panchayat, to the satisfaction of the whole village community. In rural areas, the general reputation amongst villagers, for honesty and fair dealing should be the primary qualification of a member of a Panchayat.*

Conduct of elections.

15. The elections should be conducted by the District Councils or even by the Taluq Boards and should be carried on under the direct supervision of the representative of the circle on that Board. The voting should be by ballot. Introduction of the system of "proportionate representation by single transferable vote" would alone secure efficient representation and would avoid many of the evils of canvassing. The voter should be asked to put the names of the candidates in order of merit, according to his choice. The working out of the results of these ballot papers will doubtless be a difficult task in the beginning. For a Panchayat, this system might be found to be too high a method of counting. Yet, being the best possible one, it cannot but be recommended*. Disputes over validity of elections, challenged on grounds either of ineligibility of a candidate or corrupt practices or irregularities during their conduct, should be decided by the chairman of the Taluq Board con-

*N.B.—Now I find that this is recommended by the Report of the Royal Agricultural Commission, p. 507.

cerned. Speedy disposal of such disputes should be secured by fixing, by rules, successive dates for filing petitions and statements, for appearances of parties and for evidence etc., with reasonable intervals and by providing therein, that the judgments should generally be pronounced, the very day on which the case or cases have been closed.

Sarpancha and his term.

16. A Sarpancha shall be elected from amongst the Panchas. Only those of them, who can read and write fairly well, shall be eligible for being elected as such. The election of a Sarpanch shall be by "process of elimination." This process of election secures the election of a candidate who is most liked by the members.

17. In cases, where Panchayats have been divided into administrative and judicial committees, each of these bodies should elect their own President, in the above manner. Each of these Presidents will do the work of his respective committee, subject to the general control of the Sarpanch.

18. The Sarpanch of a Panchayat, and the Presidents of committees, mentioned above, shall hold office only for one year, at the end of which, fresh elections of these office-bearers, should be held. This would give every aspirant, amongst the Panchas, a chance of working as such Sarpancha, during the term of the Panchayat. But

a person who has acted once, as a Sarpanch should not be debarred from contesting the office next time.

Powers of a Sarpancha.

19. The Sarpanch shall preside at every meeting of the Panchayat. He will have full executive power to enforce the decisions of the Panchayat or of the committees, where it is so divided. He shall keep all records of the Panchayat, shall have authority to receive and make payments on behalf of the Panchayat, shall keep and maintain accounts of the "village fund" and be responsible for submitting periodical statements required of the body by the Taluq or District Board.

Due discharge of duties by a Pancha.

20. Continuance on the Panchayat as a member and consequently as a Sarpancha or as a President should be subject to the continued eligibility and fitness of the man, and to the due discharge of duties by him. If during the term of a Panchayat, a member, for instance, permanently leaves the village, he should automatically cease to function on the body and should make room for another eligible candidate. Regular attendance at a Panchayat should be secured by making penal, the continued absence without reasonable excuse, say for four sittings. In case of any of the *ex officio* members, a report in this respect by the rest of

Panchas, should be made against him to his superior officer and if after warning by such officer he continues to remain absent, the officer to whom he is subordinate should order his removal, and, should nominate in his stead another member, preferably from the Watan family. Vacancies caused in the Panchayat, by death, resignation, removal, and disablement of Panchas, should be filled by the same process of election, as is done at the time of the original selections.

Quorum, time and place for the business of a Panchayat.

21. At least three members of a Panchayat should form a *quorum* for the transaction of any business. The place of holding a Panchayat should generally be the open space or *chabutra* in front of a temple in the village. The villagers being generally god-fearing and religiously minded, this would give some sanctity to the business and will, to a great extent, prevent dishonesty. When a Panchayat is formed for a group of villages, its sittings should be held, just like circuit courts, in different villages, according to the needs of the business or of the convenience of parties and witnesses. A village without a temple, it is proposed, should not be included in this circuit. This would encourage establishment of a temple, in every village under the Panchayat,—an idea not unwelcome, in the least. Pan-

chayats should meet on two or three days in a week, for such time, in the *afternoon*, as would be requisite for the business.

Gradual investiture of duties.

22. The functions of a village self-governing body can be mainly divided into administrative and judicial. The duties that should, as proposed, be entrusted to such bodies, at present, might fall far short of those required of an ideal self-governing village. Similarly, many of them would be found outside the capacity of a Village Panchayat, of to-day. The simplest functions should be entrusted to a Panchayat, at its inception, with a gradual addition to them, according to the progress in the demands and improvement of capacity, shown by the Panchas.

"Village order."

23. Maintenance of "village order" principally concerns the questions of village sanitation, village education and village safety. A Panchayat should see that every house in the village has a drain for waste water and that it does not run in a manner, as would cause nuisance to the neighbour or to a passer-by. It should see that a good supply of pure water is available to the villagers, especially in the rainy season. The Panchas should always be watchful that no cattle is slaughtered anywhere except in a slaughter-house and the rules of slaughter-houses are duly observed. They

should often visit the Sarais and rest-houses for travellers and the encamping grounds, either of the officers or of the itinerant tribes and see that they are not rendered insanitary after they are vacated. With the development of a keen sense of village-responsibility, after some years, a Panchayat might think of looking to the medicinal needs of the villagers, and might arrange to have itinerant physicians, trained in Ayurveda, because of the cheapness and efficacy of the system, to attend to the patients in the circle. The Panchayat should see that children in its area are vaccinated in time. As soon as any epidemic is apprehended, the Panchayat, with the help of a medical man at the nearest station, should take measures to prevent its outbreak.

24. It will be very difficult nay impossible, for a Panchayat, to look to the question of mass education. The members can, however, enlighten the elderly people of the village, by making arrangements for reading newspapers, once a week, at some common place, and thus keep them in touch with topics, current outside their circle. The question of primary education, however, must be attended to by the Panchas. They should see that every child of school-going age, joins a school and takes up its education at some academy. Where primary education is made compulsory, the duty of reporting against guardians, whose wards do

not attend the school, should be entrusted to the Panchayat. The Panchayat will surely take interest in this duty, if a proportion of fines, imposed under the Primary Education Act is transferred to the Panchayat Fund.

25. To secure the protection of villagers is also a very important duty, that should be taken up by a Panchayat. If a circle of a Panchayat adjoins a Forest land, the danger of attacks by wild animals on the human life or on the life of cattle, is always imminent. The Panchayat should see that they make arrangement for the security of these lives. When funds permit, the Panchayat may offer rewards to a small extent for killing wild animals, pestering their circle. In these days of peace and tranquility there is no danger of raids of marauders on the property of the villagers. Yet to guard against occasional dacoities and against communal trouble which has become the burning topic of the day, the Panchayat should raise a volunteer corps for every individual village. Starting of Akhadas and enforcing compulsory attendance of every youth thereat, would serve the necessary purpose, besides improving the general health of the village. Maintenance of roads in proper order, for all times, repairing them, soon after the rainy season, and management and maintenance of cattle pounds, are also important subjects to which the Village Panchayat alone, can look with convenience.

“Village Justice.”

26. It has already been made clear in the foregoing discussion * that the aim of Village Panchayat is not to turn out best judges and to serve as a feeder to the body of Bench Magistrates. No Panchayat, it is proposed, should, therefore, be encumbered with judicial duties. These duties should be as simple and as less as possible; or else the whole attention of the body will be absorbed by those and very little will be left for the advancement of the village, as an administrative unit. Only such judicial duties—criminal or civil—should be imposed on these bodies as would be helpful and necessary for the general administration of the village, with an addition of some that would secure for their members, such influence, as would enable them to maintain “village order.” Jurisdiction over some cases that might not strictly fall within the scope of the above principle is, however, proposed to be given to Panchayats, for reasons, which will follow hereafter.†

27. Offences falling purely under the Cattle Trespass Act should, without reservation, be dealt with by the Panchayat, having management and control of a cattle pound. Of offences against public tranquility, under the Indian Penal Code, the Panchayat should try those, falling

* Para 5, Part B. † Para 30.

under Section 160, committing an affray. A few of the non-officials while writing their note on the recommendations of Mr. Jatar, as officer on special duty, had suggested that offences under Chapter XIII, Indian Penal Code, relating to weights and measures, should be tried by Panchayats. These are grave offences. With the powers conferred upon them, the Panchayats will, it is submitted, be unable to deal with them, in a manner that would prevent their repetition. Besides, most of the offenders, against these sections, would be itinerant shop-keepers, visiting these circles on market days. These, therefore appear to have been excluded from the jurisdiction of Panchayats, by later enactments of different provinces. Jurisdiction over some of the offences under Chapter XIV relating to public health, safety, etc., ought to be given to Panchayats.* The United Provinces Village Panchayat Act appears to have excluded this chapter of the Indian Penal Code, from the jurisdiction of Panchayats. In the interest of village sanitation and village safety, a Panchayat should be invested with powers to deal with a negligent act, likely to spread infectious disease dangerous to human life, Section 269, defiling the water of a public spring or reservoir, Section 277, causing danger, obstruction or injury in any public way, Section 283, and

* U. P. Act, S. 17(a).

omitting to take order with an animal in possessions, so as to guard against danger to human life etc., from such animal, Section 289. The Madras* Village Panchayat Act, has conferred on Panchayats powers to deal with offences under Section 290, Indian Penal Code; but an accurate grasp of the provisions of this Section, involves a wider study of the subject of "public nuisance," and would many a time, be beyond the comprehension of these members. Out of offences against the person, those of "simple hurt" punishable under section 323, Indian Penal Code, without any aggravation thereof, should be tried by Village Panchayats, as provided for, in the United Provinces Village Panchayat Act.† To add to this offences of "assault" under Sections 352 and 353 of the same Code, and those punishable under Section 504, causing intentional insult, with intent to provoke breach of peace, should also be tried by the Panchayat. Jurisdiction over the abovementioned cases, would facilitate the administrative work in the village and would fairly secure for the Panchas, the requisite influence. To improve the tone of the village integrity, petty thefts, and mischiefs, where the value of the property concerned does not exceed Rs. 20 should be dealt with by these "village elders." Offences under Section 497, I. P. C. adultery, and under

* Mad. Act, S. 76 (1)(a).

† U. P. Act, S. 17 (a).

Section 498 enticing away with criminal intent, a married woman should be tried by these village Benches. It has to be specifically, noted, that it is only the Central Provinces Village Panchayat Act,* that confers on Panchayats jurisdiction over these offences. The provision would go a long way towards improving the moral tone of the village life, and would spare the weaker sex of the worries and detestable advertisement, consequent on attendance at regular courts outside. Offences against Sanitation Acts, made punishable under the Panchayat Acts of all Provinces, have been purposely omitted from the above list, for the avowed reason, that the ultimate displacement of sanitation committees and consequently repeal of Sanitation Acts, has already been emphasised in the above discussion.† The Panchayat should also have power, to punish infringements of their rules and orders and to deal with contempt of their members, during the discharge of their duties.

28. The Panchayat should not take cognisance of any case, except on the complaint of the aggrieved person. It should never try cases, against members of criminal tribes. It should never exercise jurisdiction in cases to which a public servant is a party. It should not deal with cases of thefts wherein the accused is a previous convict for any of the offences relating to coin

* C. P. Act, S. 18(2). † Para 3, Part B.

and Government stamp or of those relating to property.

29. The maximum punishment to be inflicted by a Panchayat should be a fine of Rs. 20, for offences against property and Rs. 30 for those against a woman, Rs. 5 for contempt and for those under Cattle Trespass Act, and Rs. 10 for the rest. In cases of youthful offenders, below the age of 15, mere admonition may, at times, be deemed as a sufficient punishment.

30. The intention of conferring civil jurisdiction on Panchayats should mainly be to save the parties the worry and expenditure, outside, when it is quite disproportionate to their claim. Hence exercise of jurisdiction should be confined to simple money claims of the value not exceeding Rs. 100, based on documents, such as bonds or promissory notes. In respect of oral money claims, or claims arising out of breach of contracts not affecting immovable property, the pecuniary jurisdiction of a Panchayat should be restricted to Rs. 50. Petty claims, such as for wages for services rendered either as a servant, field labourer or as an artisan, or for articles supplied from the shop of a grocer, can fairly be tried by Panchayats. Cases to which Public servants, minors, and persons of unsound mind are parties, and suits by or against legal representatives of the original parties, as

well, should be definitely excluded from the Panchayat jurisdiction.

31. Civil justice administered at a Panchayat should be free from knotty questions of Civil Procedure Code or of the Indian Limitation Act. To make the whole civil business simple, the Panchayat should take cognisance of petty claims for services rendered or for articles supplied if they are brought within one year, and of the rest of the money claims if they are lodged within three years of the accrual of the cause of action. Cases in which saving of limitation, on grounds of minority, acknowledgment, part payment etc., is involved, will, naturally, be left to be adjudicated upon, by regular courts outside rural areas.

Revenue Jurisdiction.

32. Petty disputes relating to boundaries of fields, the tampering of boundary marks, encroachments on the area of neighbouring field or similar encroachments on Government land in the residential area of the village, provided they are complained of, within a year of their occurrence, can be conveniently settled in the village. Settlement of such disputes, now effected by the Revenue department, should, it is proposed, be left to the village body.

Panchayat Procedure and Revisional Board.

33. Judicial procedure before a Panchayat should, as far as possible, be summary. Rules en-

forcing recording evidence, writing order-sheets, etc., need not be enforced in the working of these bodies. Panchayat should administer oaths to the witnesses, put down the gist of their depositions, in one of the columns of their register of cases and in a few sentences should write their award close-by. A pleader should never be allowed to represent a party before a Panchayat. There should be no right of appeal against the awards of a Panchayat. To safeguard against arbitrary exercise of powers, a District Panchayat Board consisting of members of local bodies and unofficial workers and constituted by the District Local Board, should be invested with revisional powers to remedy either, on application or on their own motion, serious miscarriages of justice in the proceedings decided by any of the Panchayats in their District.

“ Love of labour.”

34. Fixing the standard of court-fee in civil and criminal cases the mode, manner and agency of serving notices, determination of process-fees, and numerous other questions of detail can be settled by rules, with such variations, as might suit the needs of different Provinces. It is not proposed to lay down any principle in these respects. As a rule, administration of “village justice” should be as cheap as possible. It is therefore suggested that no diet money should be

given to witnesses. No member should expect any remuneration for his work. No paid clerk should be employed to do the office work. The suggestion, made by Mr. Jatar in 1918, as officer on special duty, that in deserving cases *Pugrees* and *Kadas* should be presented to honorary workers* is inconsistent with the idea of developing corporate life in villages. Inculcation of the principle of love of labour would alone foster corporate life and turn out sound work.

“Village Fund.”

35. The most important question that remains to be discussed is the “Village Fund.” As pointed out previously,† it is the idea of fresh taxation that has in many areas hampered the growth of village Panchayats. The proportion of direct contribution to the “Village Fund” by the villagers, should be, as low as possible. As ownership of a house in the village is made one of the qualifications for a member, a minimum house tax on owners, four annas or eight annas, per annum, for every building, will be easily collected. This tax may be collected, either in coin or in kind, at the time of harvest. None, who does not own a house, should be taxed. There should be no tax on agricultural land. A tax on import and export of agricultural produce, meant for sale, in

* C. P. Rpt., 1918, p. 15.

† Paras 28, 29 Part A,

or outside the village on a small scale of half an anna per cart-load, it is hoped, will not be grudged. Shopkeepers at weekly markets may be asked to pay half an anna per shop, for the day, and those occupying village site at the time of fairs, may be asked to pay one anna per shop, for the whole period of their stay. Every family of the labour class, if it does not pay house-tax, may be required to contribute its mite, by supplying labour at the rate of two days in a year, per adult male member of the family. This labour can be utilized for the administrative business of the body, for example, improvement and maintenance of public roads, sinking and repairing public wells, attendance to Sarais and rest-houses for travellers, etc. Due regard should be given to health, convenience and status of the individual tax-payer, and it should, always, be borne in mind, that by asking him to work in a particular department, no injury is done to the sentiment and respect of the person contributing. This might give rise to differences of opinion. The test in such cases should be whether the tax-payer would or would not willingly accept employment, in that department, if he is offered it by any of the villagers, on cash payment at that time. Intentional avoidance or negligence to supply labour, can be prevented by demanding payment for the same, at the current rate of wages. It is suggested in this respect, that boys between

the age of 18 and 21 coming under the labour class of tax-payers, should be given the work of serving processes of the Panchayats and those who can read and write may be called upon to do the office work. If in the jurisdiction of a Panchayat, a river runs in high flood during the rainy season, expert swimmers of this labour class of tax-payers, should be reserved for those days, and the ferry-tax that might be collected from the travellers, should be credited to the Panchayat fund. A proportion of one pice in a rupee of the income earned at the time of fairs by managing bodies of religious resorts, within the area of a Panchayat should be contributed to the Panchayat fund.

36. There are cotton market committees holding big funds in large towns. Their connection with rural areas cannot be gainsaid. All these should be requested to subscribe something to the Panchayat fund, in proportion to the carts going there from the circle. It has to be made clear, in this respect, that the cotton market committee will not be authorised to impose on their customers an additional tax, on this count. Numerous taxes from villagers in different forms are collected by the rural Boards. These amounts should be earmarked. If a Panchayat is established in any area, the cesses recovered from that area, after due deduction of charges of collection

and maintenance of accounts, may be transferred by the Board, to the Panchayat Fund. One-fourth of the fine imposed on guardians for offences against compulsory Education Acts, in such cases, as have been reported by the Panchayats, should be handed over to the Panchayat.

37. Touring officers both of the State and of local bodies often require local labour and supplies during their sojourn. They are expected to pay for these. It is suggested, that it should be made *optional* with the Panchayats, to minister to the needs of these touring officers, and to get from them the price of the articles and labour supplied with an additional tax of 2 annas per rupee of such price, for the arrangement. This extra tax of 2 annas should be credited to the Panchayat. The Panchayat may, in this respect, utilize their labour tax, fix the price of that labour according to the current rate of wages and add to it the above proportion. This would put a check on Rasad and Begar, save the villagers from inconvenience and trouble, secure to the shop-keeper the price of his commodity, the officer, his convenience, and the Panchayat, an addition to their Fund.

38. Court-fee and stamp duty utilized in the business before Panchayats, and the fines recovered by them in their criminal jurisdiction, should go to the Panchayat Fund. To promote the heal-

thy growth of this useful institution, the Provincial Revenue should also make provision for Panchayat Fund, in their budget every year.

Panchayat only a training ground.

39. The exercise of the functions and powers discussed above, will, in course of time, be found to be only a training ground for a village, desirous of attaining self-sufficiency. A successful and efficient discharge of these functions will, as a matter of course, lead the Panchas to devise means to attain that self-sufficiency. Later-on, they will naturally think of educating the villagers, in their relative position to the adjoining circles and to town areas and will create in them, an awakening about the importance of a corporate village life. It will be only after the growth of this awakening, that the working of these Panchayats will run smooth and a demand for them will be created. The real work of a self-governing and self-sufficient village, will always be found to be outside and far beyond the scope of Panchayat Legislations and Rules. Mutual help, co-operative labour, reverence for elders, sense of justice, respect for truth, honesty of purpose and many other good qualities, ingrained in ancient rural life are yet extant in a villager. These qualities serve the purpose of a solid foundation, on which, with the aid of a skilled artisan a lasting superstructure of village corporation, can be

built with success. Well-trained members of Panchayats will satisfy the need of these artisans.

How to create a demand.

40. The responsibility of creating a demand for establishment of these Panchayats—training ground for the members—lies mainly on non-official workers, outside rural areas. Regular propoganda to preach the necessity and importance of these bodies, should be taken up. Associations from Provinces down to circles should be formed to start organised work. Literature should be broadcasted to educate the villagers. Conferences should be held to bring about discussions and to exchange views and experiences. Model village organisations should be worked and their experiences should be placed before the rural residents. The villagers should be roused from their placid contentment. With the awakening amongst them the Government will have to respond to their demand by active help, consistently with their proclaimed policy, laid down in the Resolution of 1918.

Panchayats and Co-operative Movement.

41. Experience has it, that there is no sufficient number of workers. This does not mean a total absence of honorary workers. The subject has not yet obtained sufficient currency and does not yet carry with it such a satisfactory interest, as would bring forth and mobilize a band of

workers. The early experiences of the co-operative movement can fairly be quoted, in instance. In spite of the disappointing set-backs in the beginning, this movement has, within fifteen years, reached every nook and corner of country-side. It can fairly be said, that the workers desirous to propagate the Panchayat movement occupy a vantage ground. Co-operative societies can with benefit be utilized by them both for creating a demand for Panchayats as well as for educative propaganda. The successful working of a village Panchayat, will always go hand in hand, with the co-operative movement. The one will foster the growth of the other, and time may come, when a Panchayat will realise that a Co-operative society stands in relation to it as a foster mother. It will not be out of place to make here a special mention of the fact that the Berar Co-operative Institute has only recently given a lead to other Provinces, in taking up this Panchayat propaganda, through their societies.* Propriety and usefulness of such a step cannot be too highly recommended. It is only by blending the Panchayat propaganda with the Co-operative movement that the unofficial workers will be able to successfully adjust the corporate village life to the changing conditions of modern times. "The factors making for change are growing and they

* Rpt. B.C.I. 22-7-1928.

are all unfavourable to the maintenance of the isolation of the Indian village."†

Conclusion.

42. This, in brief, is the historical retrospect of the Panchayat movement under British Administration, to date, followed by some of the constructive proposals, in the matter of establishing a workable system of village Panchayat. Every propagandist carrying at heart, rural reconstruction and keeping in view the attainment of self-sufficiency of a rural unit, will, despite maximum efforts, always find, that his achievements fall short of perfection. This should not damp his spirits. Humanity is ordained to be imperfect.

"Labour with what zeal, we will,
something still remains undone".

† Rpt. Agri., p. 498.